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15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

17
18 RAINER GROWITZ,) Case No.: 5:15-cv-01172-RMW
19 Plaintiff,)
20 vs.)
21 MOOG INC. GROUP BENEFITS PLAN,)
22 Defendant.)
23

**CASE STATUS REPORT AND
STIPULATION AND []
ORDER EXTENDING CASE DEADLINES**

CASE STATUS REPORT AND
STIPULATION AND [PROPOSED] ORDER EXTENDING CASE DEADLINES

Pursuant to the Court’s July 1, 2015 Order on Case Management Conference [Dkt. #22], Plaintiff Ranier Growtiz (“Plaintiff”) and Defendant Moog Inc. Group Benefits Plan (“Defendant,” collectively with Plaintiff, the “Parties”) hereby submit the following Case Status Report and Stipulation and [Proposed] Order Extending Case Deadlines:

WHEREAS, on July 2, 2015, Defendant produced the Administrative Record in this case;

WHEREAS, on July 13, 2014, Plaintiff produced his initial disclosures, which contain additional documents he asserts belong in the Administrative Record;

WHEREAS, on July 23, 2105, Defendant produced additional documents to address Plaintiff's asserted gaps in and to supplement the Administrative Record;

WHEREAS, on August 5, 2015, Defendant produced further documents to address Plaintiff's asserted gaps in and to supplement the Administrative Record;

WHEREAS, the Parties continue to work to address Plaintiff's additional asserted gaps in the Administrative Record to ensure that both Plaintiff and Defendant agree that a complete Administrative Record has been produced and is available in this case;

WHEREAS, on July 24, 2015 counsel for Plaintiff and Defendant held a telephonic meet and confer conference to discuss (a) the standard of review applicable in this case, and (2) a proposed discovery plan;

WHEREAS, the Parties have been unable to reach an agreement regarding the applicable standard of review in this case or a discovery plan in light of the standard of review;

WHEREAS, the Parties agree, however, that a third-party review of the benefits claim at issue in this case could facilitate possible settlement;

WHEREAS, in light of that agreement, the Parties have selected an independent third party medical professional to review the Administrative Record and provide an evaluation of the benefit claim at issue in this case;

1 WHEREAS, the Parties anticipate that this independent third party will be completed by
2 August 31, 2015;

3 WHEREAS, pursuant to the Court's May 12, 2015 Order Selecting ADR Process [Dkt. #16],
4 the present deadline to complete Court-ordered mediation is August 10, 2015;

5 WHEREAS, the Parties agree that mediation is unlikely to be productive until after
6 completion of the claim evaluation by the independent third-party reviewer;

7 **IT IS THEREFORE STIPULATED AND AGREED**, by Plaintiff and Defendant, by and
8 through their respective counsel, that the Court is respectfully requested to order that:

9 1. The deadline for completion of the Court-ordered mediation be extended by 60-days,
10 to October 9, 2015;

11 2. If that mediation does not resolve the case, the Parties will thereafter submit a proposal
12 to the Court for resolution of disagreements regarding the appropriate standard of review applicable
13 in this case and a discovery plan.

14 Dated: August 5, 2015

KANTOR & KANTOR, LLP

16 By: /s/ Lisa S. Kantor

Lisa S. Kantor
Attorneys for Plaintiff,
Rainer Growitz

18 Dated: August 5, 2015

TRUCKER HUSS

20 By: /s/ Sean T. Strauss

R. Bradford Huss
Sean T. Strauss
Attorneys for Defendant,
Moog Inc. Group Benefits Plan

24 Pursuant to Civil Local Rule 5(i)(3), I attest that I have obtained Ms. Kantor's'
25 concurrence in the filing of this document.

26 DATED: August 5, 2015

/s/ Sean T. Strauss

Sean T. Strauss

1 ORDER

Pursuant to the foregoing stipulation and request,

IT IS HEREBY ORDERED

1. The deadline for completion of mediation is extended by 60-days, to October 9, 2015;
2. If that mediation does not resolve the case, the Parties will thereafter submit a proposal to the Court for resolution of disagreements regarding the appropriate standard of review applicable to the case and a discovery plan.

IT IS SO ORDERED.

Dated: 10/01/2011

Ronald M. Whyte

HONORABLE RONALD M. WHITE
Judge, United States District Court
Northern District of California

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